

Arizona Department of Health Services
Office of Administrative Counsel and Rules

**CITIZENSHIP/LEGAL STATUS ELIGIBILITY REQUIREMENTS FOR PUBLIC BENEFITS
PROVIDED OR ADMINISTERED BY OR THROUGH ADHS**

FREQUENTLY ASKED QUESTIONS (FAQs)

Federal law and Arizona statutes generally require individuals, who apply for federal, state, or local public benefits, to provide evidence of their citizenship or legal status eligibility for those benefits. If you do business with ADHS or receive – or might want to receive – a grant, license, certificate, registration, or health benefits provided or administered by or through ADHS, **these FAQs will provide you with important information about citizenship and legal status eligibility requirements.**

1. *Could the citizenship and legal status eligibility requirements apply to me?*

The citizenship and legal status eligibility requirements could apply to you if you, as an individual, currently are – or will be in the future – an ADHS customer as described in any one of the following bullets:

- You request or receive behavioral health services provided by or through ADHS.
- You request (or your parent or guardian requests on your behalf) or you receive children's rehabilitative services provided through ADHS.
- You request or receive a grant administered by ADHS.
- You request or receive a contract as a vendor of goods or services to ADHS.
- You request or receive from ADHS a license or certificate as an EMT, a midwife, a hearing aid dispenser, speech-language pathologist, or audiologist; or, registration as a sanitarian.
- You are the designated agent of a licensed child care facility.
- You, or you and other individuals, request or receive from ADHS a license for a health care institution or a child care facility, or a certificate for a child care group home. **The citizenship and legal status eligibility requirements do not apply to corporations or to limited liability companies.**

2. *What are "public benefits"?*

Under the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and Arizona law (Eligibility for Public Programs) a public benefit generally is:

- Any grant, contract, loan, professional license, or commercial license provided by an agency of the U.S., Arizona, or an Arizona local government, or by appropriated funds of the U.S., Arizona, or an Arizona local government.
- Any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or similar benefit paid or provided to an individual, a household, or a family eligibility unit by an agency of the U.S., Arizona, or an Arizona local government, or by appropriated funds of the U.S., Arizona, or an Arizona local government.

3. ***What are the “citizenship and legal status eligibility requirements”?***

With regard to a public benefit provided or administered by or through ADHS, citizenship and legal status eligibility requirements mean that an individual must either be a U.S. citizen, a U.S. non-citizen national, or a qualified alien as defined under Federal law. The definition of qualified alien includes the following:

- Aliens lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), 8 USC 1101 et seq.;
- Refugees, admitted under §207 of the INA;
- Aliens granted asylum under §208 of the INA;
- Cuban and Haitian Entrants, as defined in §501(e) of the Refugee Education Assistance Act of 1980;
- Aliens granted parole for at least one year under §212(d)(5) of the INA;
- Aliens whose deportation is being withheld under (1) §243(h) of the INA as in effect prior to April 1, 1997; or (2) §241(b)(3) of the INA, as amended;
- Aliens granted conditional entry under §203(a)(7) of the INA in effect before April 1, 1980;
- Battered aliens, who meet the conditions set forth in §431(c) of PRWORA, as added by §501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L. 104-208 (IIRIRA), and amended by §5571 of the Balanced Budget Act of 1997, P.L. 105-33 (BBA), and §1508 of the Violence against Women Act of 2000, P.L. 106-386. Section 431(c) of PRWORA, as amended, is codified at 8 USC 1641(c).
- Victims of a severe form of trafficking, in accordance with §107(b)(1) of the Trafficking Victims Protection Act of 2000, P.L. 106-386.

4. ***How can I meet the citizenship and legal status eligibility requirements?***

To meet the citizenship and legal status eligibility requirements, you must present a valid document listed in Evidence of U.S. Citizenship, U.S. National Status, or Alien Status. List A applies U.S. citizens or U.S. nationals. List B: applies to qualified aliens. These lists are available at http://www.azdhs.gov/als/immigration/citizenship_fill.pdf. (Go to page 3.) **You must have proof of identity and all documents and other evidence presented to establish citizenship or legal status are subject to verification by ADHS.**

5. ***Are there any exceptions to meeting the citizenship and legal status eligibility requirements?***

Yes, there are certain benefits that Congress or the U.S. Attorney General has identified as not being “public benefits” subject to a citizenship/legal status eligibility determination. An individual does not have to meet the citizenship and legal status eligibility requirements for some benefits provided or administered by or through ADHS. These benefits include:

- Certain behavioral health crisis services. (See FAQ #6 for details.)
- Maternal and Child Health Program funded services.
- WIC Program funded services.
- Community Health Centers (only where there is no fee charged to the patient).
- Programs under the Ryan White CARE Act.
- Programs under the Older Americans Act.

- Programs for immunization assistance for immunizable diseases and for testing and treatment of symptoms of communicable diseases.

6. ***What are the details about behavioral health crisis services?***

For an individual who is not eligible for coverage through the Arizona Health Care Cost Containment System (AHCCCS) – Arizona’s version of Medicaid, the behavioral health crisis services that would not require the individual to meet the citizenship and legal status eligibility requirements include:

- Telephone hotline.
- Mobile response team.
- Observation and stabilization (**for an emergency condition only**).

For behavioral health crisis observation and stabilization services provided for a non-emergency condition and for the behavioral health medication benefit (for treatment or maintenance of a chronic behavioral health condition), an individual who is seriously mentally ill (SMI) but who is not AHCCCS eligible must meet the citizenship and legal status eligibility requirements. More information about behavioral health services for the SMI population that is not AHCCCS eligible is available at <http://www.azdhs.gov/bhs/updates/documents/Fact%20Sheet%20050310.pdf>.

DISCLAIMER

The information in this document is intended only to provide general answers to FAQs of general interest to the public. The information in this document is not provided to the public as legal advice or as a definitive statement of the laws referenced in this document. Members of the public should not rely on this information for answers to questions relating to any specific individual or circumstance. Members of the public should seek legal advice or review additional information on the topics referenced in this document.